



City of Carmel

CARMEL CLAY PLAN COMMISSION SUBDIVISION COMMITTEE

Minutes

January 4, 2005

REPRESENTING THE COMMITTEE:

Dianna Knoll
Dan Dutcher
Rick Ripma
Susan Westermeier

REPRESENTING THE DEPARTMENT:

Michael Hollibaugh
Jeff Kendall
Jon Dobosiewicz
Adrienne Keeling

OF COUNCIL:

John Molitor

Docket No. 04080059 PP: Saddlebrook at Shelborne – Primary Plat

Filed by Steve Hardin of Bingham McHale LLP for Leeds, LLC.

Representing the Petitioner:

Steve Hardin, BINGHAM McHALE
Michael Stikeleather, LEEDS LLC
Kevin Roberts, PAUL I CRIPE

The Applicant seeks to plat a residential subdivision of 77 lots on 61.21 acres. The site is located at 11901 Shelborne Road. The site is zoned S1/Residence.

Hardin: We have worked out the issues with the neighbors. (*Passing out revised plan*) South neighbors agreed to move main entrance to create a greater buffer area. We agreed to locate trees on Sam Tancredi's lot. Barbed fence has been removed. We plan to provide notice to neighbors on the landscaping and Tree Preservation. Commitments are in writing. Addressed a-cell/d-cell and road improvements on Shelborne.

We have worked out the issue with Mr. Ulerich. He will dedicate to the City of Carmel a forty-five feet (45') half right-of-way along Shelborne Road and Leeds will deed Fee-simple, Block "A" outlined here (*pointing to site plan*). Leeds will then pay for and build a new drive for Mr. Ulerich's property onto Homestretch Drive. Mr. Ulerich has agreed to replace any trees that are lost due to the drive relocation. Leeds had a concern that his drive would be at the entrance of the neighborhood and had concerns about maintaining

the look and feel esthetically of Block "A". We have made provisions protecting Block "A" through written commitments that the maintenance and improvements of the landscaping would fall under the responsibility of the Homeowner's Association.

Regarding Park's Department issue with path connectivity we have added additional commitment language connecting West Park with Saddlebrook as well as, adding a type of concrete monumentation for lot delineation on properties abutting West Park.

- Dobosiewicz: All prior issues have been addressed. The Department believes the new drive is acceptable. Provided that the Applicant has an agreement that can be reached with the adjoining owner the Department recommends forwarding to the full Plan Commission.
- Ulerich: We are ninety percent (90%) satisfied. The developer has demonstrated they are interested in satisfying the homeowners. No other objections
- Ripma: Block "A" is different?
- Hardin: Yes.
- Ripma: I like this layout.
- Hardin: I would like to take this time to thank Jon Dobosiewicz for his capable guidance to this resolution.
...(the Board recognizes Jon Dobosiewicz)
- Knoll: Mr. Ulerich will own Block "A" Fee-simple but the Homeowner's Association will maintain it? Is this going to set up a problem in the future when the property is turned over?
- Ulerich: I think we need to work out the language details. This is a separate Fee-simple from the house.
- Westemeier: What about West Park?
- Hardin: We are making a concrete culvert or bridge connection to the Park and lot delineations.
- Roberts: We will coordinate with the Park's Department.
- Dutcher: I move to forward Docket number 04080059PP, Saddlebrook at Shelborne Primary Plat, contingent to following commitments in writing; Park access, Park boundaries, constant with commitments that appear in the September 10, 2004 letter to the neighbors, and final approval of the concept laid out in the January 3, 2005 letter by Mr. Ulerich.
- Ripma: Second.

Motion carried; four (4) in favor, zero (0) opposed.

...END...

Docket No. 04080056 PP: Villas at Morgan's Creek – Primary Plat

Docket No. 04080057 SW: SCO 6.03.07 – Street Layout & Design Standards

Docket No. 04080058 SW: SCO 7.05.07 – Woodlands/*withdrawn*

Filed by Adam DeHart of Keeler Webb Associates for Covenant Group, LLC.

Representing the Petitioner:

Adam DeHart, KEELER-WEBB ASSOCIATES

Jerry Corbier, CORBIER TRADITIONS

Remonstrators:

Jim Bender

Emily Bender
Cesare Turrin
Chip Stein

The Applicant seeks to plat a residential subdivision of 11 lots on 6.39 acres and seeks Subdivision Waivers on street layout and design standards as well as woodland. The site is located at 14309 Gray Road. The site is zoned S1/Residence.

...Waiver for the woodlands has been withdrawn.

Dehart: We determined we needed a Waiver for the last section of Chapter 6 that reads; new subdivision perimeter lots must match up with bulk lots of existing subdivisions. We are asking to waive the lot width frontage to 65 feet at the building line just in the cul-de-sac. We have asked for reduced front yard setback to bring them closer to the street. The Open Space Schedule has been revised. We went with a straight twenty percent (20%) open space requirement, which required us to go from twelve (12) lots to eleven (11).

I have included a revised Open Space Plan and new Primary Plat with new lot sizes and infrastructure. Landscape Plan shows L-1 proposed and L-2 detailed information with tree protection details and specs for homes for tree preservation. Comments by the Neighborhood Association we tried to address their concerns with new covenants and restrictions. Setbacks and minimums worked out to satisfy the neighbors and we moved the detention pond to the north side of the road per their request.

Dobosiewicz: The Subdivision Waiver for the bulk lot requirement has been filed and public notice will need to be sent to the same people who were noticed before. We will need to hold a public hearing for that Waiver in January. We will ask the Plan Commission to suspend the rules and hear that item. The Standard that would be in place for the lots adjacent to Woodfield would be the Standards in place when Woodfield was developed, which was S-1. They now meet those standards. We are in support of the reduction. It does two things; it pulls the homes further away from the adjacent subdivision, as well as consistent with homes on both sides of the street with the same setbacks, and lot width and side yard setbacks measured at the building line. The Woodland request has been withdrawn they now meet those standards. I would like an opportunity for the public to speak and find out if their issues are being addressed.

Turrin: We are close to a solution. We have not seen the revised layout or Tree Preservation/Landscape Plan. We would like to work with the Developer on the Storm Drain Plan. We would like to be informed of both plans.

Knoll: Then you are okay with the covenant changes?

Turrin: Yes.

Knoll: What is wrong with the name change?

Turrin: Villa was a problem.

Dobosiewicz: If the Plan Commission approves the Primary Plat, the Petitioner would return with a proposal for Secondary Plat Construction Plans. At that time they would proceed through the City Engineers, as well as the Surveyor's office. A commitment from the Developer to make you aware of that filing and a meeting with those departments, is that the level of inclusion you are looking for?

Turrin: No, we would like to be part of every step as a watchdog group.

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3

Dobosiewicz: We look to the City Engineers and Surveyor's Office for that acknowledgement.
Turrin: We want to see the plans and make sure they adhere to them.
Stein: ...and those final grades do not slope toward the existing properties but shed water toward the proper drainage process.
Dobosiewicz: A. DeHart can you get them a full revised Site Plan of the Drainage and Tree Preservation and keep them advised of all future meetings?
Knoll: We have addressed all the issues that the Neighborhood Association sent us and you are satisfied?
Turrin: Yes, as long as they keep to the commitments.
DeHart: The Tree Preservation is in place as a buffer and the types of trees are Carmel's preferred list of trees. We can work with Scott Brewer Carmel's Environmental Planner to make changes to your liking. City of Carmel's Engineering, Surveyor's Office, Drainage Code, Floodway and the Indiana DNR hold us in compliance with all their regulations. The public will be notice for intent to construct. We have to satisfy all the City, County, and State regulations before a permit will be issued. You will be notified.
Dutcher: This is a significant improvement from the last review. We normally want to resolve all the issues before we get to the Plan Commission. The public can use this time to make commitments before it moves out of Committee.
Westermeier: Waiver for streets is still in place?
DeHart: Yes.
Westermeier: What about the sidewalk issue from last time?
Dobosiewicz: First lot with Woodfield needed to connect with Villas. They will catch that at Secondary Plat.
Knoll: Why the Waiver on street layout?
Dobosiewicz: To keep them out of the Floodplain.
Knoll: I would like to see this cleaned up with the Public Hearing being the only unresolved item.
Molitor: If you believe this is close enough to approve then you will need to send it on to the Plan Commission but if you believe you need to review the other Waiver then you should keep it in Committee.
Knoll: Motion?
Ripma: To send Docket No. 04080056 PP: Villas at Morgan's Creek – Primary Plat and Docket No. 04080057 SW: SCO 6.03.07 – Street Layout & Design Standards with positive recommendation to the full Plan Commission subject to solution on setback and frontage.
Dutcher: Second.

Motion carried; Four (4) in favor zero (0) opposed.

...END...

Docket No. 04100034 PP: Kendall Wood - Primary Plat
Docket No. 04100035 SW: SCO 6.03.19 (4) – Access to Arterials
Filed by Dennis Olmstead of Stoeppelwerth and Associates, Inc. for Steven A. Wilson.

Representing the Petitioner:
Dennis Olmstead, STOEPPELWERTH AND ASSOCIATES

Steve Wilson

Remonstrators:

Jeff Kimbell

Mike Pritz

Gary Brown

The Applicant seeks to plat a residential subdivision of 17 lots on 17.889 acres. The Petitioner also seeks a Subdivision Waiver on access to arterials. The Applicant request that the required 200 feet buffer area be reduced to 25 feet. The site is located at the NW corner of 121st Street and Shelborne Road and is zoned S-1.

- Wilson: We are adding a perimeter brick wall with a gatehouse. The lots are 120 feet wide by 180 feet deep. The City has requested we add more landscaping to the lots and we are complying.
- Dobosiewicz: I am not sure if I received the public comments from the Public Hearing. The 200 feet buffer is for the houses that are within 200 feet of Shelborne Road or 121st Street and face the interior of the subdivision. That would include lots 1, 10, 11, 12, & 17.
- Knoll: Does the author of this letter understand that?
- Kimbell: I do understand but if you look at the larger block there is no variance to that. The neighborhood at 131st Street the homes appear to be 200 feet away from 131st Street and do not face the road. We are looking for uniformity in this particular block. We are not in favor of the brick wall for the same reasons stated.
- Pritz: I live on the eastern side, adjoining the proposed. We have animals and it is a rural area. The trees described on the Landscape Plan belong to us not Kendall Wood's. We would like to understand how the Landscape Plan is going to fit into the character of the area? We would like to see uniformity of the fencing. We have concern with the drainage now and when the wall is built.
- Dobosiewicz: Whether there is a wall or not these homes will be architecturally acceptable. We do have flexibility with the wall issue. With regard to the drainage and landscaping, this is a preliminary plan; if the trees in question are not on their property they still need to meet the "D Buffer Standard" and would be cleared up at the secondary stage. Drainage must go through the Surveyor's Office for approval and Saddlebrook for the Sanitary Sewer. Access to the Sanitary will be available to you then.
- Pritz: We did not get a lot of the information on this subdivision. We would like to see what is proposed for lighting.
- Wilson: No street lights proposed. Lights, directionally at the entrance.
- Dobosiewicz: On the western edge fencing can you make a commitment on the type?
- Wilson: We can make it "wood only" on the western edge.
- Knoll: Gatehouse discussion what was that?
- Olmstead: Decorative only to hide irrigation and metering equipment.
- Wilson: These are public streets no gates.
- Dutcher: Do we have a Landscaping Plan approval?
- Wilson: We are assuming yes.
- Dutcher: Is the Department comfortable with that point?
- Dobosiewicz: Yes. When you come back with the Secondary Plat Construction Plans you will not be allowed to count trees as part of the buffer that are not on Kendall Wood property.

Dutcher: On the 14th I asked about planting requirements. Many lots do not have planting requirements and I did not see any planting requirements in the covenants. I want an idea of what is appropriate.

Dobosiewicz: We want to see the minimums for each lot spelled out.

Dutcher: We want a minimum standard established.

Dobosiewicz: What kind of numbers are you considering S. Wilson? Get us some minimum numbers.

Molitor: Covenants could describe the materials or value.

Dobosiewicz: I think you are looking for a buffer between the wall and the neighbors. I think we need it spelled out. Just put in \$5,000 for each lot?

Wilson: Okay.

Knoll: What is the height of the wall?

Wilson: 7.5 feet.

Pritz: When will we see the Tree Preservation and Landscaping Plans?

Dobosiewicz: When we get Construction Plans. When this comes to TAC we can forward a copy of the plans to you.

Pritz: Okay. Lighting will not change? There will be no streetlights?

Dobosiewicz: If they do they would need to bring that as an Amendment through Committee.

Wilson: Decorative lights in the front no lights at all in the back of the development.

Dobosiewicz: We could as a condition on the Waiver approval make the motion that there would be no more than three (3) pole lights at the entrance.

Dutcher: On the landscaping I will accept the dollar amount on the houses but for the back exposed west side of the development allocate landscaping in the back as well.

Wilson: I do not want to do that. I think we are being fair with regard to the landscaping.

Dutcher: If you can allocate a minimum for backyards in lots 13, 14,15...(interrupted).

Wilson: ...no, we are allocating enough and that is up to the homeowner.

...(continued discussion on backyard landscaping, no resolution).

Knoll: Petitioner, please keep Mr. Kimbell and Mr. Pritz informed all along the way.

Wilson: We will.

Ripma: Recommend forwarding with a positive recommendation to the Plan Commission Docket No. 04100034 PP and Docket No. 04100035 SW with the addition of no more than three (3) pole lights at the entry, landscape commitment of \$5,000 per lot, and wood fencing on the western end.

Westermeier: Second.

Motion carried; four (4) in favor zero (0) opposed.

...END...

Docket No. 04100026 OA: Patch V - Ordinance Amendment

Filed by the Carmel Department of Community Services.

Representing the Petitioner:

Mike Hollibaugh
Jeff Kendall
Adrienne Keeling

Council:

John Molitor

The Applicant seeks to Amend Chapters 23F: Carmel Drive - Range Line Road Overlay Zone; Chapter 25: Additional Use Regulations; Chapter 25.07: Sign Ordinance; Chapter 26: Additional Height, Yard, and Lot Area Requirements; Chapter 28: Nonconforming Uses & Exemptions; Chapter 29: Administration and Appendix A: Schedule of Uses of the Carmel/Clay Zoning Ordinance.

Keeling: This is a continuation from the last meeting. To review; the first three pages cover changes to the ADLS Approval that were overlooked on the Patch IV Ordinance.

Chapter 26: Additional Height, Yard and Lot Regulations, clarification on perimeter buffering in Section "P" and "Q" added the word "front" to the Buffer Yard Table.

Chapter 28: Section R, Non-conforming Use; we are changing the Market Value to Square Footage.

Chapter 29: Filing Fee proposing \$25,000.00 for PUD.

Page 8, this has been added Section P, the new language added is for Zoning Violations. This gives Code Enforcement the flexibility to issue or not to issue a Notice of Violation before giving a citation on repeat offenders. Now Enforcement can omit a step.

Kendall: It is mainly for repeat offenders but if we want to launch an effort toward illegal signs on a given street because of reoccurrence we could just give them the citation.

Keeling: This will be on the January 18, Plan Commission Agenda.

Dutcher: Are we looking to suspend the rules and move it to Council that night?

Keeling: This has already been to Committee and so I do not believe it is necessary to suspend the rules but we are looking for a favorable tonight.

Ripma: Mining Permit why was the mining taken out?

Keeling: We believe it works better under the City Code.

Hollibaugh: We cannot administer this under the Zoning Ordinance and there is no fee established.

Dutcher: I move to forward Docket No. 04100026 OA: Patch V with a favorable recommendation to the full Plan Commission.

Knoll: Second.

Motion carried; four (4) in favor zero (0) opposed.

The Meeting adjourned at 9:09 p.m.

Dianna Knoll, Temporary Chairperson

Pamela A. Babbitt, Subdivision Secretary